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Seagate Technology LLC
1280 Disc Drive
Shakopee, MN 55379

EXAMINER
WU, JERRY

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ALEXANDER STEPHEN KAY
and STEPHEN ANDREW BAILEY

Appeal 2016-001447
Application 13/375,413
Technology Center 2800

Before TERRY J. OWENS, AVELYN M. ROSS, and BRIAN D. RANGE, *Administrative Patent Judges*.

RANGE, *Administrative Patent Judge*.

DECISION ON APPEAL

SUMMARY

Appellants[1] appeal under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1–10. We have jurisdiction. 35 U.S.C. § 6(b).

We AFFIRM.

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[1] According to the Appellants, the real party in interest is Seagate Systems (UK) Limited (former entity name Xyratex Technology Limited). Appeal Br. 2.

STATEMENT OF THE CASE

Appellants describe the invention as a disk drive test apparatus for receiving multiple disk drives. Appellants' Figure 1, reproduced below, illustrates the apparatus:

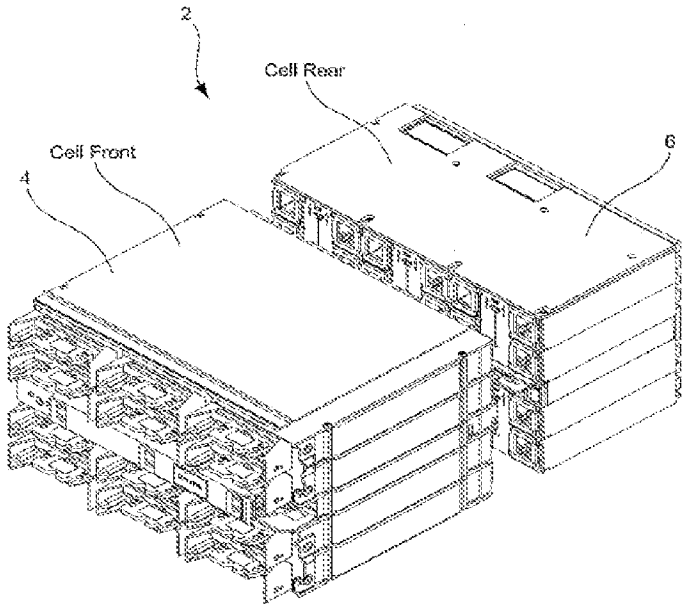

Figure 1 shows schematically a perspective view of a disk drive test cell. Spec. 7:1–2.

The drives can be removed by sliding carrier trays in and out of the test cell as depicted in Appellants' Figure 4, reproduced below.

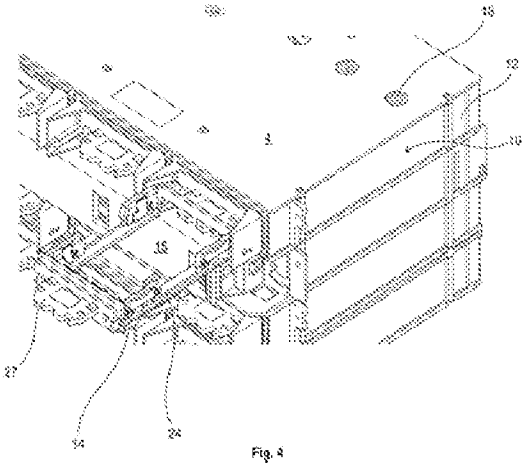

Figure 4 shows schematically a perspective view of part of the disk drive test cell of Figure 1 with a carrier tray 14 in an open position. Spec. 14:12–13. When the tray is open (as shown in Figure 4), it can receive a disk drive into receiving region 24 while the tray maintains contact with slot 12. *Id.* at 14:–22.

Claim 1, reproduced below with emphasis added to certain key recitations, is illustrative of the claimed subject matter:

> 1. A method for reducing vibration in a test cell, the test cell comprising a plurality of slots each having a carrier for receiving a single disk drive, the method comprising:
>
> moving the carrier out of a slot into an open position **so that the carrier can receive the single disk drive, wherein the carrier remains in contact with the slot**;
>
> **inserting the single disk drive into the carrier when the carrier is still in contact with the slot**; and
>
> moving the carrier containing the single disk drive into a closed position back in the slot.

Appeal Br.[2] 8 (Claims App'x).

REFERENCES AND REJECTION

On appeal, the Examiner maintains the rejection of claims 1–10 under 35 U.S.C. § 103 as unpatentable over Orriss et al., US 2004/0264121 A1, December 30, 2004 (hereinafter "Orriss"), in view of Starr et al., US 2007/0230109 A1, October 4, 2007 (hereinafter "Starr").

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[2] In this decision, we refer to the Final Office Action mailed February 23, 2015 ("Final Act."), the Appeal Brief filed April 22, 2015 ("Appeal Br."), the Examiner's Answer mailed September 10, 2015 ("Ans."), and the Reply Brief filed November 10, 2015 ("Reply Br.").

ANALYSIS

We review the appealed rejections for error based upon the issues identified by Appellants and in light of the arguments and evidence produced thereon. *Cf. Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (cited with approval in *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) ("it has long been the Board's practice to require an applicant to identify the alleged error in the examiner's rejections")). After considering the evidence presented in this Appeal and each of Appellants' contentions, we are not persuaded that Appellants identify reversible error. Thus, we affirm the Examiner's § 103 rejections for the reasons expressed in the Final Office Action and the Answer. We add the following primarily for emphasis.

Appellants do not separately argue claims 2–10. We therefore limit our discussion to claim 1. Claims 2–10 stand or fall with that claim. 37 C.F.R. § 41.37(c)(1)(iv) (2013).

The Examiner finds that Orriss discloses a test cell comprising a plurality of slots each having a carrier for receiving a single disk drive and discloses moving the carriers out of slots into an open position so that the carrier can receive the disk drive, inserting the disk drive into the carrier, and moving the carrier into a closed position back in the slot. Final Act. 2 (providing citations to Orriss). Figure 5 of Orriss, reproduced below, illustrates how its carriers can slide in and out of slots.

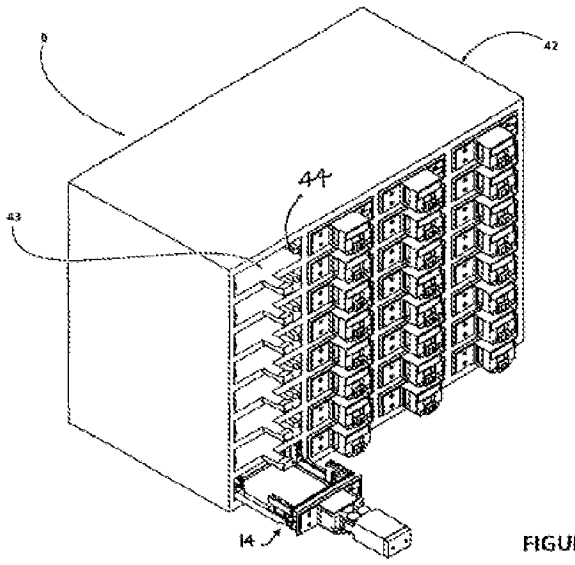

FIGURE 5

Figure 5 is a diagrammatic perspective view of the Orriss apparatus shown with a gripping device gripping a coupling structure that projects outwardly from the front of the mounting to allow the carrier to slide in or out. Orriss ¶¶ 42, 45, 52–56.

The Examiner finds that Orriss does not specifically teach "moving the carrier out of the slot into an open position wherein the carrier remains in contact with the slot; and inserting a disk drive into the carrier when the carrier is still in contact with the slot." Final Act. 2. The Examiner finds, however, that Starr teaches a system comprising moving a carrier out a slot into an open position wherein the carrier remains in contact with the slot, and inserting a disk drive into the carrier when the carrier is still in contact with the slot. *Id.* at 3 (providing citations to Starr). Figure 1B of Starr, reproduced below, illustrates its apparatus.

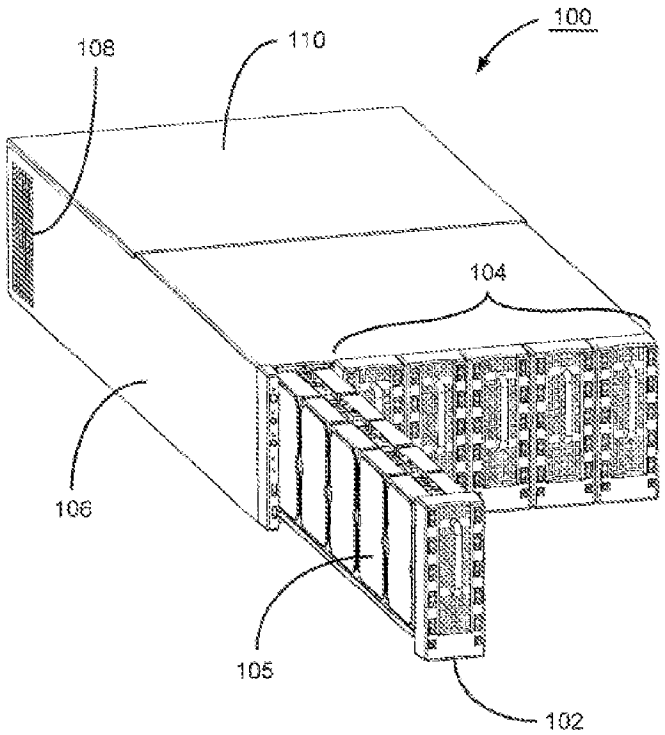

Figure 1B shows a commercial embodiment in an accordance with an embodiment of the Starr invention. Starr ¶ 11.

The Examiner concludes that it would have been obvious to modify Orriss so that its carrier maintains contact with the slot when moving into an open position or when a disk drive is inserted (as taught by Starr) because doing so would "simplify the process and/or configuration and improve the efficiency of the inserting/removing process." Final Act. 3. A preponderance of the evidence supports the Examiner's findings of fact and conclusion.

Appellants argue that the Examiner's explanation for combining the references' teachings is insufficient because the Examiner fails to "provide evidence that the proposed modification actually simplifies or improves efficiency of Orriss's inserting/removing process." Appeal Br. 5. Proof of simplification or improved efficiency, however, need not be explicitly

spelled out by the prior art references. *See KSR Int'l v. Teleflex Inc.*, 550 U.S. 398, 419 ("The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents.") It is apparent from the figures and text of Orriss that it would be easier (i.e., simpler and more efficient) to (A) slide a carrier out of a slot of Orriss, insert a disk drive, and slide the carrier back into the slot than it would be to (B) slide a carrier entirely out of the slot of Orriss so that it no longer touches the slot, insert a disk drive, realign the carrier with the slot, and then slide the carrier back into the slot. Indeed, this added efficiency in the process taught by Starr is akin why people open their dresser drawers to put in and remove clothing without entirely removing the dresser drawer in the process.

Appellants cite *Ex parte Rykowski*, Appeal 2009-003868 (BPAI Sept. 21, 2010) as presenting a "similar fact pattern" where the Board reversed the Examiner's rejection. The cited case is both non-precedential and distinguishable. In *Ex parte Rykowski*, the Examiner did not provide reasoning as to why "conversion to tristimulus values performs equally well as chromaticity and luminance values or another value conversion" and did not explain why "conversion to tristimulus values increases precision for color/brightness values." *Id.* at 6. There, the Board did not find that these underlying facts were apparent in the cited art. Here, in contrast, the Examiner did not need to explicitly state why it is more efficient to slide a carrier out to insert a drive rather than sliding a carrier out and removing it completely because the increased efficiency and simplification is apparent from the cited references themselves. *See* discussion of cited art, *supra*.

Because Appellants have not identified harmful Examiner error, we sustain the Examiner's rejection of claims 1–10.

DECISION

For the above reasons, we affirm the Examiner's rejection of claims 1–10.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED